

ABANDONED ORCHARD REVIEW BOARD OPERATING PROCEDURES

Board MUST:

1. Receive a signed written complaint.
2. Review the complaint and determine if the orchard is within ½ mile of an active producing orchard.
3. Determine the true owner of the orchard property from records at the County Courthouse.
4. Notify the landowner of the complaint.
5. Name a Board member to act as a contact person for the landowner.
6. Have the contact person arrange with the landowner a time for an appointed investigative team of three persons to examine the orchard in question.
7. Appoint a 3-member investigative team for field inspection. Other experts or knowledgeable individuals may be contacted or consulted as necessary. The team will be composed of:
 - a. Contact person (Board member);
 - b. University of Idaho County Extension Agent;
 - c. Other member as determined by the Board.
8. Complete a “Report of Orchard Inspection” form when:
 - a. The orchard meets the definition of neglected or abandoned;
 - b. Recording the inspection visit or other documentary information about the orchard is necessary.
9. Collect tissue samples for documentation of disease. Document the presence of pests and collect specimens or other documentation.
10. Give the landowner 10 days after receiving the formal notification letter to control pests, remove the orchard, etc. The Board must also send a copy of the notification letter to the Idaho State Department of Agriculture, Division of Plant Industries, who will then issue a back-up letter under the signature of the Department Director.
11. Give the landowner 7 days notice of hearing before the Board if the problem has not been corrected within the original 10-day deadline.
12. Draw up a written and signed contract with the landowner at the hearing regarding the procedures to be used (i.e. control of pests, orchard removal, etc.) and the time schedule to be followed.
13. Cause control procedures to be carried out if the landowner fails to appear at the hearing or does appear, but refuses to enter into the contract as requested by the Board.
14. Send all written contacts to the landowner being investigated vial certified mail, return receipt requested.

Definitions and Criteria for Enforcement of the Ordinance

PURPOSE: The purposes of the ordinance are to enable _____ County to more effectively control and prevent the spread of orchard pests, and by these actions protect the viability, productiveness, and competitiveness of the orchard industry in _____ County, and to insure the industry's continued contribution to the economy of the County. The authority to control agricultural pests is granted to the Board of Commissioners pursuant to Section 25-2601, Idaho Code.

DEFINITIONS: Orchard - An area that has fruit trees, wild or cultivated, and is currently or has been used for commercial purposes.

Private Orchard - Privately owned fruit trees, fruit from which is used solely for the consumption of the owner's family members.

Active Tree - A tree being cultivated by the fruit growing industry for the commercial production of fruit, whether or not that tree has reached the fruit bearing age.

Fruit Growing Industry - An area or tree dedicated by the owner to the active production of fruit to be sold commercially or used personally.

Neglected or Abandoned - Any orchard or private orchards, where standard management practices as described in state and regional publications are not being met and one or more pest, pathogen, disease or condition of economic consequence to the particular crop being grown exist.

Pest(s), pathogen(s), disease(s), condition(s) of economic importance to peach include:

1. presence of Monilini fructicola as evidenced by the disease, brown rot, or the condition where peaches become mummified because of infection;
2. presence of the Oriental Fruit Moth;
3. presence of Plum Curculio;
4. presence of any other insect pest, or plant pathogen (disease), or articulable conditions of economic consequence.

Pest(s), pathogen(s), disease(s), condition(s) of economic importance to apple include:

1. presence of Venturia inaequalis as evidenced by the disease, scab, the condition of corky scab lesions on apple fruit;
2. presence of Physalospora/Botryosphaeria species as evidenced by the disease, black rot (Frogeye Leaf Spot), the condition of black, rotted apple fruit or spotted leaves;
3. presence of Coddling Moth;
4. presence of Plum Curculio;
5. presence of any other insect pest, or plant pathogen (disease), or articulable conditions of economic consequence.

Criteria for Enforcement

Orchard inspections will take place in response to complaints.

Before performing a complaint or compliance orchard inspection, determine if the orchard to be inspected falls within one-half mile of an active fruit growing industry orchard.

Any conditions found during orchard inspections must be listed on the County Orchard Review Board "Report of Orchard Inspection" form. Document all conditions with samples, and with photographs when reasonable. (Good documentation is important.)

The Board shall appoint three investigators to carry out the field inspection of any orchard or private orchard under review by the Board. The investigatory team shall be composed of that Board member named as the contact person for the landowner, and that person employed by the University of Idaho as the _____ County Agricultural Extension Agent to act as an advisor. The other member of the investigatory team shall be determined by the Board.

If the investigatory team finds that an orchard or private orchard, in fact, does contain orchard pests, the landowner in question shall be given written notice to control such pests within ten (10) days of receipt of the notice. Such notice shall comply with Section 25-2607, Idaho Code.

If the landowner fails to control the specified pest or pests within ten (10) days, the landowner in question shall be given notice, not less than seven (7) days before the hearing, to appear before the Board to show cause why the Board should not initiate steps to control the pest or pests.

Unless the landowner can show that the agricultural pests do not exist, or that they do exist, but it is not necessary to control them, such landowners shall be requested to enter into a contract with the Board specifying a time in which such pests will be controlled by the landowner, and any other provisions determined by the Board to be necessary for the fulfillment of the purposes of the ordinance.

It shall be the duty of the Board and the landowner to examine all possibilities and mechanisms to resolve the situation, including, but not limited to funding, education, contract spraying, orchard or private orchard destruction and uprooting, and chemical herbicide of tree stumps.

Any landowner subject to an investigation by the Board or under an agreement with the Board may at any time request, through their Board contact person, a hearing before the Board. Granting of the request for a hearing shall be at the discretion of the Board.

If the landowner does not appear at the hearing, or does appear, but refuses to enter into the contract as requested by the Board, or fails to comply with the terms of the contract, the Board may cause control procedures to be initiated as soon as practicable at the owner's expense. Collection of said expenses shall be made through a private case of action brought by the members of the Board.